

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 1, 2004**

**E033234 Janell Aplin, a Minor, etc., et al. v Lake Elsinore Unified School
District et al.**

Judgment affirmed.

Opinion

Richli, Acting P.J.

I concur: Ward, J.

I concur and dissent: King, J.

E034449 Aldrich Supply Co., Inc. v. Richard Hanks

Judgment affirmed.

We concur: Ramirez, P.J., McKinster, J.

E034489 People v. Sam Henry Large

Judgment affirmed with directions

E035746 In re Sam Henry Large on Habeas Corpus

Ramirez, P.J.

We concur: Richli, J., Ward, J.

E035040 People v. Phillip Charles Moore

Judgment affirmed with directions.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

E034530 In re the Marriage of Kenneth & Cindy Colunga

Kenneth C. Colunga v. Cindy A. Cirrone

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

**E033904 Maintain Our Desert Environment v. Town of Apple Valley,
Pluto Development, Inc., Modification of**

Opinion

No change in judgment.

Partial publication granted.

Ramirez, P.J.

We concur: Ward, J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 5, 2004**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 6, 2004**

Court convened at 8:00am

Panel A
Present:
McKinster, Acting P.J.
Ward, J.
King, J.
Paula Garcia, Deputy Clerk

**E034978 In re William T., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. William T. et al.**

Merits. Cause called and Richard Pfeiffer, Esq., argued for appellant Shannon T.; No appearance on behalf of appellant William T.; Danielle E. Wuchenich, Deputy County Counsel, argued for respondent; Jennifer Mack, Esq., argued for the minor. Cause submitted.

Court recessed.

Court reconvened.

Panel 1a
Present:
Hollenhorst, Acting P.J.
Richli, J.
Not present: Gaut, J.
Paula Garcia, Deputy Clerk

Acting Presiding Justice Hollenhorst announced that in the absence of objection, it would be deemed stipulated that Justice Gaut might participate in the decision of any case on this calendar. There being no objections made by any counsel present, it was deemed so stipulated and so ordered

E033980 People v. Steven Wright

Merits. Cause called and Anita P. Jog, Esq., argued for appellant; Andrew S. Mestman, Deputy Attorney General, argued for respondent. Cause submitted.

E034775 People v. Marcus McGeilberry

Merits. Cause called and Elise J. Farrell, Deputy District Attorney, argued for appellant; Cynthia M. Sorman, Esq., argued for respondent. Cause submitted.

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**E035252 In re Randi O., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Lawana S. et al.**

Merits. Cause called and Richard Pfeiffer, Esq., argued for appellant L.S.; Harry Zimmerman, Esq., argued for appellant Randell O.; Julie Koons Jarvi, Deputy County Counsel, argued for respondent; Jennifer Mack, Esq., argued for the minor. Cause submitted.

E034242 People v. Lisa M. Cage

Merits. Cause called and Jeanne C. VanDerhoff, Esq., argued for appellant; Scott C. Taylor, Deputy Attorney General, argued for respondent. Cause submitted.

E034459 People v. Mark Brown

Merits. Cause called and James M. Crawford, Esq., argued for appellant; Melissa A. Mandel, Deputy Attorney General, argued for respondent. Cause submitted.

E034889 People v. Howard Keola Kanehe

Merits. Cause called and Richard L. Schwartzberg, Esq., argued for appellant; Andrew M. Mestman, Deputy Attorney General, argued for respondent. Cause submitted.

E032686 People v. Charles Marquis Washington

Merits. Cause called and Meredith Lee Fahn, Esq., argued for appellant; Melissa A. Mandel, Deputy Attorney General, argued for respondent. Cause submitted.

E034342 People v. Leaire William Moore

Merits. Cause called and in the absence of a stipulation of a two member panel matter taken off calendar.

**E033661 In re Victoria H., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Steven A. et al.**

Merits. Cause called and in the absence of a stipulation of a two member panel matter taken off calendar.

E032914 Bernadette Rojas v. Rob D. Walker et al.

Merits. Cause called and in the absence of a stipulation of a two member panel matter taken off calendar.

Court adjourned.

**E034415 Estate of Cecil Freeman Simpson, Deceased.
Suzanne Perry et al. v. Wiley H. Fields Jr.; Lida K. Simpson**

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 7, 2004**

**E035333 In re Jacob A., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. Nancy V. et al.**

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 8, 2004**

E034902 The People v. Debbie Herrera Garcia

Opinion

Judgment in case no. PEF007462 affirmed;
Judgment in case no. SWF001817 affirmed with directions.
Ramirez, P.J.
We concur: Hollenhorst, J., King, J.

E034063 People v. Leodegari Gutierrez

Opinion

Judgment affirmed.
King, J.
We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 9, 2004**

E033787* People v. Frank Thomas Lopez

Order Modifying

Opinion

No change in judgment.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

*Certified for partial publication.

E033513 People v. Samuel Valdez

Petition for rehearing is denied.

E034597 People v. Mario Perez

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

E034887 People v. Abel V. Mendoza

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Hollenhorst, J., King, J.

E035527 People v. Gilbert Cruz Ahumada

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

E033480 People v. Demond Odell Lewis

Opinion

Judgment affirmed and remanded for resentencing.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

E035525 Jeffrey W. v. Superior Court; Department of Children's Services

Opinion

Petition Denied.

McKinster, Acting P.J.
We concur: Richli, J., Ward, J.

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**E035315 In re Jennifer J., a Person Coming Under the Juvenile Court Law
Department of Children's Services v. Yolanda O.**

Opinion

Judgment affirmed.

King, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 12, 2004**

E033980 People v. Steven J. Wright

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

E034459 People v. Mark Cyril Brown

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E033645 People v. Dion Michael O'Bannon et al.,

Appellant Dion Michael O'Bannon's petition for rehearing is denied.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 13, 2004**

**E035252 In re Randi O., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Lawana S. et al.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

E033872 People v. David Moore

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Gaut, J., King, J.

**E034953 In re L.S., a Person Coming Under the Juvenile Court Law.
People v. L.S.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Gaut, J., King, J.

**E035398 In re D.V., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Laura O.**

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E034298 People v. Christopher Deshawn Butler

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Gaut, J., King, J.

E034775 People v. Marcus McGeilberry

Opinion

Appeal dismissed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

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**E034806 In re P.S. et al., Persons Coming Under the Juvenile Court Law
Department of Children's Services v. Alfred S.**

Opinion

Judgment affirmed with directions.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034758 In re Richard L., a Person Coming Under the Juvenile Court Law.
People v. Richard L.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Gaut, J., King, J.

**E034978 In re W.T. et al., Persons Coming Under the Juvenile Court Law.
Department of Children's Services v. William T. et al.**

Opinion

Judgment affirmed.

King, J.

We concur: McKinster, Acting P.J., Ward, J.

E034071 People v. Michael Allan Joy

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Gaut, J., King, J.

E034889 People v. Howard Keola Kanehe

Opinion

Judgment reversed and remanded with directions.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E034874 People v. Jose Ramirez Ruiz

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

E035094 People v. Francisco Martinez

Opinion

Appeal dismissed.

Hollenhorst, J.

We concur: Ramirez, P.J., King, J.

E033110 Travelers Casualty and Surety Company v. Transcontinental Insurance

Opinion

Judgment reversed with directions.

King, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

No change in judgment. Requests for publication denied.

Ramirez, P.J.

I concur: Hollenhorst, J.

Petition for writ of habeas corpus is granted.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 15, 2004**

E034242* People v. Lisa Marie Cage

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

*CERTIFIED FOR PARTIAL PUBLICATION

**E035613 In re Nicholas M., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Bobbi B.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Ward, J.

**E034744 In re Ab. T., et al., Persons Coming Under the Juvenile Court Law.
Department of Public Social Services v. M.T. et al.,**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 16, 2004**

E036026* People v. Paul J. Guebara

E036228* People v. George Duenas

*Consolidated for purposes of one record, briefing, oral argument and decision.
E036026 is designated the master file.

**E035138 In re Keely S., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. Gail S.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 19, 2004**

E034466 People v. Edward Lara

Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.

E034722 People v. Ernie Martin Gutierrez

Opinion
Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.

E034903 People v. Carlos Maldonado

Opinion
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., King, J.

**E034310 In re Jonathan M. et al., Persons Coming Under the Juvenile Court
Law.**

Department of Public Social Service v. Denise M.
Opinion
Judgment affirmed in part; reversed in part with directions.
Hollenhorst, Acting P.J.
We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 20, 2004**

E033156 People v. Maynor Geovani Aceituno
Petition for rehearing granted.

E034331 People v. Gerald Ray Lee
Opinion
Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.

E034636 People v. John Ahmad Rafique
Opinion
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., King, J.

E035422 In re A.C., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. David C.
Opinion
Judgment affirmed.
King, J.
We concur: Ramirez, P.J., Hollenhorst, J.

E033755 People v. Calvin James Calvin
Opinion
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., King, J.

E034266 People v. Trevor D. Smith
Opinion
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., King, J.

E032686 People v. Charles Marquis Washington
Opinion
Judgment affirmed.
Gaut, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

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**E033515* Bighorn-Desert View Water Agency v. Sharon Beringson, etc. et al;
E.W. Kelley**

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

*CERTIFIED FOR PUBLICATION.

ORDER TO SHOW CAUSE HEARINGS HELD ON THE FOLLOWING CASES:

Hollenhorst, Acting P.J.
Madeline Mozee, Clerk
Holly Bell, Court Reporter

E034347 Dominic B. Tavares v. William A. Rossworn et al;

Order to show cause re: Attorney John Monkman for his failure to appear as ordered;

John Monkman fails to appear; sent fax this morning re: ordered to appear in Federal Court and will not be present for OSC. Bench warrant ordered issued and held to July 27, 2004; \$2500 bail.

McKinster, Acting P.J.
Madeline Mozee, Clerk

**E029555 Marriage of Cynthia Salyards and Keith Salyards;
Cynthia Salyards v. Keith Salyards**

Order to show cause re: Keith Salyards. Keith Salyards fails to appear. History of case reviewed for the record, Court satisfied that Mr. Salyards had notice. Salyards' motions for change of venue and to dismiss remaining sanctions denied. Bench warrant issues, \$1000 bail.

E033601 Charlie Tadema, Inc. v. Hein Hettinga et al.,

Order to show cause re: Attorney John Labrucherie. No appearance by John Labrucherie. Court directs personal service be made. Hearing taken off calendar.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 21, 2004**

**E035441 In re Angelina R., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Terry T.**

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E035529 In re A.T., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. R.T.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E033520 David Coe v. County of Riverside et al.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E033960 People v. Clifford Douglass

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., King, J.

E033084* People v. Eric Charles Lewis

Modification of

Opinion

No change in judgment; order granting request for publication.

Gaut, J.,

We concur: Hollenhorst, J., Richli, J.

*CERTIFIED FOR PARTIAL PUBLICATION

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 22, 2004**

**E035911 Amber B. v. Superior Court; Department of
Children's Services**

Opinion

Petition denied.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E034554 People v. Darreon Marquis Garner

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., King, J.

E035664 Lila M. v. Superior Court; Department of Children's Services

Opinion

Petition denied.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**E035223 In re Kaylee H. et al.; Persons Coming Under the Juvenile Court Law.
Department of Children's Services v. Colleen C.**

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

E033633 People v. Jose Angel Diaz

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**E034943 In re E.E., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. A.E.**

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 23, 2004**

E033714 People v. Tarell D. Johnson

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 26, 2004**

E035024 People v. Clifford Yazzie

Opinion

Judgment reversed.

Hollenhorst, J.

We concur: Ramirez, P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 27, 2004**

E035774 Tara B. v. Superior Court; Department of Children's Services

Petition denied.

Opinion

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 28, 2004**

E034343 People v. Joseph Michael Cox

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

E034763 People v. Walter Gonzalez Banuelos

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 29, 2004**

**E034514 In re Cody S., a Person Coming Under the Juvenile Court Law.
People v. Cody S.**

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

E034677 People v. Claude Zimbeles Carr

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
July 30, 2004**

E033510 People v. Ruben Belmontes

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

E034457 People v. Jose Cardenas

Opinion

Judgment reversed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

E035187 People v. Jackie Star Batey

Opinion

Judgment affirmed with modifications.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

**E034061 Gregory Grantham et al. v. Superior Court;
S.R.I. SFR Inc. et al**

Opinion

Petition Granted.

Hollenhorst, Acting P.J.

We concur: Richli, J., Ward, J.